

ENTERED

February 12, 2024

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

TREMEKA DAVIS,

Plaintiff,

v.

DONALD J. TRUMP,

Defendant.

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Misc. Action No. 4:24-MC-00178

ORDER

Pending before the Court is Plaintiff Tremeka Davis's application to proceed *in forma pauperis*. (Dkt. No. 1). The Court has considered the application and related filings. For the following reasons, the Court **DENIES** Davis's application and dismisses the complaint.

I. DISCUSSION

Under 28 U.S.C. § 1915(e)(2), a civil action brought under an application to proceed without prepayment of fees is subject to screening, as the statute instructs that "the court shall dismiss the case at any time if the court determines," *inter alia*, that the action "is frivolous or malicious" or "fails to state a claim on which relief may be granted." A case will be dismissed for frivolity if "it lacks an arguable basis either in law or fact."¹ *Neitzke v. Williams*, 490 U.S. 319, 325, 109 S.Ct. 1827, 1831-32, 104 L.Ed.2d 338 (1989). And whether an action fails to state a claim is evaluated under the same standard as Rule

¹ A claim lacks an arguable basis in law when it is "based on an indisputably meritless legal theory," and lacks an arguable basis in fact when it offers only "fantastic or delusional scenarios." *Neitzke v. Williams*, 490 U.S. 319, 327-28, 109 S.Ct. 1827, 1833, 104 L.Ed.2d 338 (1989).

12(b)(6) of the Federal Rules of Civil Procedure. *E.g., Newsome v. E.E.O.C.*, 301 F.3d 227, 231 (5th Cir. 2002).

The Court finds that Davis’s allegations are frivolous on their face. She brings suit against Donald J. Trump,² apparently including both an “employment discrimination complaint” and an “original complaint.” (*See* Dkt. No. 1-1). In the former, she alleges, *inter alia*, that Trump discriminated against her and her family because of their dark skin, is Satanic and against the Christian race, hacked her brain, is a part of a spiritual gang, is a part of a sex cult that kidnapped her son, has been stealing her royalties, and has removed her family’s main organs. (*Id.* at 2–3). The original complaint is no less colorful, asserting, *inter alia*, that Trump stole her reproductive system, poisoned her family via demon sperm, stole her family’s identities and formed a cult, and has “baby factories.” (*Id.* at 4). These facts fall squarely within the category of “fanciful, fantastic, and delusional” allegations which “rise to the level of the irrational or the wholly incredible, whether or not there are judicially noticeable facts available to contradict them[.]” *Denton v. Hernandez*, 504 U.S. 25, 25–26, 112 S.Ct. 1728, 1730, 118 L.Ed.2d 340 (1992) (citations and quotations omitted); *see, e.g., Simmons v. Payne*, 170 Fed. Appx. 906 (5th Cir. 2006) (holding that the district court did not abuse its discretion in dismissing assertions of a vast conspiracy by all levels of the state government and federal government); *Melton v. Am. Civil Liberties Union*, No. 3:07-CV-00856, 2007 WL 2263953, at *1–2 (N.D. Tex. July 30, 2007)

² Davis brings suit against Donald J. Trump but also names “The Illuminati” as a defendant(s). (Dkt. Nos. 1 at 1, 1-1 at 1). Because the substance of her complaint alleges wrongdoings by Trump, and also because “The Illuminati” is not an ascertainable entity, the Court construes her complaint as directed at Trump alone.

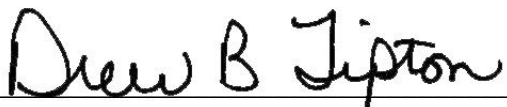
(dismissing claims that the ACLU was “seeking to impose minority rule through the courts, attacking the Boy Scouts of America, defending child molesters, and promoting legislation to have private property rights revoked” as frivolous pursuant to 28 U.S.C. § 1915(e)(2)).

II. CONCLUSION

Plaintiff Tremeka Davis’s application to proceed in forma pauperis is **DENIED**, and her claims in this case are **DISMISSED** without prejudice.

It is SO ORDERED.

Signed on February 12, 2024.



DREW B. TIPTON
UNITED STATES DISTRICT JUDGE